

REMARKS

Regarding the status of the present application, Claims 1, 39, 42 and 43 have been amended, and Claims 1-43 are pending in this application. Reconsideration of this application is respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to correct the confusing language and is considered clear and definite. Withdrawal of the Examiner's rejection is respectfully requested.

Claims 1, 6, 9-25, 28, 30-33, and 36-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,239,700 issued to Hoffman et al. in view of US Patent No. 6,838,998 issued to Brown et al. Notwithstanding the Examiner's position, it is respectfully submitted that Claims 1, 6, 9-25, 28, 30-33, and 36-43 are not obvious in view of the Hoffman et al. and Brown et al. patents, taken singly or together.

Claim 1 has been amended to recite that the electronic monitoring system, and in particular, the wireless portable monitoring device, tracks the location of the client over time. This, in essence, is a definition of "tracking" a client as it pertains to the present invention. This, in conjunction with the fact that the client tracking unit contains a memory that stores time-coded position data of the client (way points), allows the present invention to track and monitor the location of the client.

As will be discussed in detail below, this is not disclosed or suggested by the Hoffman et al. patent. The Hoffman et al. system does not "track" the individual using way points stored in a portable transceiver, the current location of the portable transceiver is provided. While the central monitoring station can apparently access the current location (way point) of the portable transceiver multiple times, which would in essence provide a positional track of the portable transceiver, such activity does not occur unless a distress signal is transmitted to the central monitoring station and the central monitoring station is alerted to the emergency condition of the individual. This is not the case with the present invention. The Brown et al. patent discloses at column 6, lines 34-38, that "Memory 33 may be included within personal unit 12 to hold a number of previous position readings which can be used to show the prior path or track of the location unit and tracked individual." However, as will be discussed in detail below, it is respectfully submitted that one skilled in the art would not add such a memory function to the Hoffman et al. portable signaling unit, and not without using hindsight reconstruction.

More particularly, as is stated in its Abstract, the Hoffman et al. patent discloses a "Wireless communication system for location of a person and identification of a distress condition of the person comprising portable transceivers (20) carried by persons, each having an associated alarm switch (40), the transceiver activatable locally and/or via a remote network and the alarm switch operable locally to activate the transceiver." The Hoffman et al. system is not designed to actively track an individual, and in particular, no tracking history (GPS way points)

are monitored or stored in the Hoffman et al. system. Only the current location of the individual is determined, which allows emergency personnel to locate the individual.

In the Hoffman et al. system, a person located at the central dispatch station 80 is responsible for monitoring distress signals and has the ability to communicate with a person in distress via a telephone connection to the portable transceiver 20. While such monitoring and communication may be performed using the present invention, in the present system, a third party, not located at the monitoring center has the ability to track and communicate with the monitored individual (client). This is not disclosed or suggested by the Hoffman et al. patent.

It is clear that the architecture of the present invention is different from the architecture of the Hoffman et al. system. The architecture of the Hoffman et al. system provides communication between the central dispatch station and the monitored individual (client), and there is no third party involvement, nor is this desirable. There is no disclosure or suggestion in the Hoffman et al. patent regarding third party communication with either the central dispatch station or the monitored individual (client).

In contrast, in the present invention, the third party is tasked with monitoring the monitored individual (client), and this is done using a wireless portable monitoring device which allows access to the central database via a web interface to the monitoring center and direct communication with the monitored individual (client) via cellular communication.

With regard to amended Claim 1, the Examiner has characterized the presently claimed client tracking unit as being "met by the portable signaling unit which includes (data to voice switch (114) in conjunction with cellular transmitter (110); radio receiver (116) which communicates with unit (40), and GPS receiver (100)." However, it is respectfully submitted that the portable signaling unit 20 disclosed in the Hoffman et al. patent does not include a "memory that stores the time-coded position data to track the location of the client over time" as is recited in Claim 1. In fact, the term "memory" is not even used in the Hoffman et al. patent. The Hoffman et al. patent discloses that storage of data occurs only at the central dispatch station 80. This is also clear from looking at Figs. 5 and 6 of the Hoffman et al. patent, which show versions of the portable signaling unit 20, which do not contain any memory device.

In the rejection of Claim 12, the Examiner's position is that the Hoffman et al. patent discloses "the memory that stores contact names and telephone numbers is met by the cellular telephone circuit (110, column 9, lines 66-67; column 10 lines 1-5)." It is respectfully submitted that the Examiner is has extend the teachings of the Hoffman et al. patent to arrive at this conclusion. Just because the Hoffman et al. patent discloses a cellular telephone circuit 110 does not mean that it includes any memory for storing additional information, or a memory that stores the time-coded position data to track the location of the client over time. The Hoffman et al. portable signaling unit 20, including the cellular telephone circuit 110, is essentially a reporting device that communicates with the central dispatch station. There is no keypad employed in the portable signaling unit 20. Consequently, the portable signaling unit is not designed to make calls to any phone number, just the central monitoring station.

The present invention comprises a memory that stores time-coded position data. There is no such memory disclosed or suggested in the Hoffman et al. patent. The portable signaling unit 20 is designed to transmit a distress signal to the central dispatch station that identifies the current location of the individual that is monitored, so that emergency personnel can assist the individual who is in distress. This location information does not include any location history data, only the current location. There is no disclosure or suggestion in the Hoffman et al. patent regarding storing location history data, and there is no necessity to do so in the Hoffman et al. system. It is essentially stated in the Hoffman et al. patent that the system is designed to "address the case of an individual who is helpless in an emergency situation where information is required so that the appropriate authorities can respond quickly and efficiently to a distress signal generated by the individual." (see column 3, lines 47-53). Thus, the current location of the individual is what is useful information in the Hoffman et al. system, not location history data. Consequently, it is respectfully submitted that adding a memory to the Hoffman et al. system that is designed to store time-coded position (GPS) data to track the individual would not be done absent hindsight reconstruction and extending the express teachings of the Hoffman et al. patent.

Although the Examiner did not specifically mention it, the Brown et al. patent discloses at column 6, lines 34-38, for example, that "Memory 33 may be included within personal unit 12 to hold a number of previous position readings which can be used to show the prior path or track of the location unit and tracked individual." Notwithstanding this, in view of the above arguments, it is respectfully submitted that one skilled in the art would not add such a memory function to the Hoffman et al. portable signaling unit 20, and certainly not without using hindsight reconstruction.

The Hoffman et al. portable signaling unit 20 is specifically designed to transmit the current location of the unit when a distress condition is present. Location history data is not required, nor is it desired, in the Hoffman et al. system. There is no need for location history data, or a memory for storing it, disclosed or suggested in the Hoffman et al. patent. Adding such capability to the Hoffman et al. system would clearly extend the teachings of the Hoffman et al. patent beyond its intended scope and require the need for hindsight reconstruction.

It is respectfully submitted that there must be some teaching contained in the cited references that would suggest their combination. It is clear that this is not the case with the Hoffman et al. and Brown et al. patents. While the Hoffman et al. patent states that it is "a locating and tracking system that enables the alerted personnel to monitor the location of the individual in distress" it is clear that there is no "tracking" performed in the Hoffman et al. system, in the manner contemplated by the present invention. Tracking implies the use of location history data, and none is generated or used in the Hoffman et al. system. The "tracking" that is done in the Hoffman et al. system is to identify the current location of an individual (or the portable signaling unit) when a distress condition is present. For example, it is stated at column 7, lines 18-21 of the Hoffman et al. patent that the "invention can pinpoint

and monitor the location of anything capable of carrying a portable signaling unit." Pinpointing and monitoring the location of the portable signaling unit involves interrogation of the unit from the central monitoring station to determine the then current location of the unit. This does not require or involve storing way points of the individual, since none are required to ascertain the current location of the portable signaling unit. The fact that the Brown et al. patent discloses the use of a memory in the personal unit for storing previous position readings does not provide any basis for adding such memory to the Hoffman et al. system, since no memory is required or desired in the Hoffman et al. system. Therefore, it is respectfully submitted that combining the teachings of the Hoffman et al. and Brown et al. patents, would necessarily require extension of the express teachings of the Hoffman et al. patent beyond its scope to add a memory that stores way points that are not required or desired for operation of the Hoffman et al. system, and using hindsight reconstruction to accomplish this.

The Examiner stated that the Hoffman et al. patent discloses that the presently claimed wireless communication link "is met by the cellular telephone system (70)." It is respectfully submitted that this assertion is in error. The wireless communication link is used for communicating between the portable monitoring device, the client tracking unit, and the monitoring center. In the Hoffman et al. system, the cellular telephone system provides for communication between the portable signaling unit 20 and the central dispatch station 80. It is respectfully submitted that the Hoffman et al. system does not include any device that corresponds to the presently claimed portable monitoring device, or any device that is not located at the central dispatch station that communicates with the client or client tracking unit.

As was admitted by the Examiner, the Hoffman et al. patent does not disclose or suggest "the web server communicating with the database of the monitoring center" or "the wireless portable monitoring device comprising a wireless voice and data communication device and a web browser." However, the Examiner stated that this is well known in the art and is disclosed by the Brown et al. patent. It is respectfully submitted that the Examiner's position is incorrect.

The present invention as recited in Claim 1 comprises a "wireless portable monitoring device carried by a monitoring individual not located at the monitoring center." As was stated above, the Hoffman et al. patent does not disclose or suggest anything regarding a person not located at the central dispatch station that is tasked with monitoring the client. It is respectfully submitted that the teachings of the Brown et al. patent is generally similar to the teachings of the Hoffman et al. patent in that it does not disclose or suggest a system wherein a person not located at a monitoring center has the ability to track and communicate with the monitored individual (client) and communicate with a database at the monitoring center.

While the Brown et al. patent discloses that "Requests to and from the personal location unit are made possible through a wireless communications network. The personal location unit contains a wireless transceiver for accomplishing communication." (see column 3, lines 31-35), it is respectfully submitted that the Brown et al. patent does not disclose or suggest that the connection between the concerned user 17 and the web host B is wireless. It is stated in the

Brown et al. patent at column 4, lines 14-16 that "To track an individual, the concerned user accesses the web host through the Internet or other multi-user network through the user's terminal." This is not a disclosure or suggestion that this can be achieved wirelessly, or that the computer terminal used by the concerned user is a wireless portable monitoring device. Any such conclusion is based upon conjecture and not upon the teachings of the Brown et al. patent.

It is respectfully submitted that, although a web host is disclosed in the Brown et al. patent, it does not specifically disclose or suggest the use of a web browser, and particularly not in a wireless portable monitoring device. The terms "browser" and "web browser" are not used in the Brown et al. patent. There is no disclosure or suggestion in the Brown et al. patent that the concerned user is a "monitoring individual tasked with monitoring the client." There is no disclosure or suggestion in the Brown et al. patent regarding a wireless portable monitoring device that comprises a wireless voice and data communication device and a web browser. In accordance with the teachings of the Brown et al. patent, the concerned user uses a computer terminal to contact the web host, and a datagram is created by the concerned user containing the location request and the datagram is sent to the web host. There is absolutely no disclosure or suggestion contained in the Brown et al. patent that the terminal used by the concerned user comprises a wireless voice and data communication device and a web browser. Furthermore, there is no disclosure or suggestion contained in the Brown et al. patent that the concerned user communicates with a database. The concerned user only transmits a datagram, and there are no database queries performed by the concerned user.

It is respectfully submitted that the Brown et al. system employs a user terminal coupled by way of the Internet to the web host which communicates to the monitored individual by way of a personal location unit 12. (cell phone). There is no "wireless portable monitoring device carried by a monitoring individual tasked with monitoring the client" disclosed or suggested in the Brown et al. patent. The only device that is "portable" disclosed in the Brown et al. patent is the portable location unit 12 that is carried by the monitored individual.

Also, the Brown et al. patent does not disclose or suggest a "wireless portable monitoring device" carried by a monitoring individual tasked with monitoring the client that includes "a web browser that communicates with the database by way of the web server". As is disclosed in the "Operation" section of the Brown et al. patent at column 7, line 50 et seq., in the Brown et al. system, a "concerned user 16 can discover the global position of individual 10 by accessing web host B through terminal 17 connected to web host B by the Internet." Thereafter, "the concerned user enters a tracking request which includes a system access number 60a and a personal unit code 60b which is unique to personal unit 12, at step 42. A datagram is created containing the concerned user's input and sent to the web host."

Thus, it is clear that, while the concerned user communicates with the web host B via the terminal 17, the concerned user does not in any way communicate with the database by way of the web server to selectively access data regarding the client to remotely monitor the client. In the Brown et al. system, "the web host initiates communication with the personal location unit",

the "personal location unit then constructs a packet containing the global position data and sends the packet back to the web host", the web host creates a datagram including a "map display of the location of the individual", and the "datagram is sent to the concerned user's terminal across the Internet." Thus, it can be seen that the concerned user does not in any way communicate with a database to monitor the individual. Furthermore, even if the terminal 17 were argued to be a wireless portable monitoring device containing a web browser that communicates with the database by way of the web server, which it clearly does not, in accordance with the teachings of the Brown et al. patent, this device would not communicate or interact with a central database, as is provided by the present invention.

Therefore, since the Hoffman et al. patent does not disclose or suggest a "wireless portable monitoring device carried by a monitoring individual not located at the monitoring center" or, as was admitted by the Examiner, "the wireless portable monitoring device comprising a wireless voice and data communication device and a web browser", it is respectfully submitted that the combined teachings of the Hoffman et al. and Brown et al. patents, taken singly or together, do disclose or suggest the invention recited in Claim 1, and certainly not without the use of hindsight reconstruction.

It is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest "a wireless communication link for communicating between the portable monitoring device, the client tracking unit, and the monitoring center." The Hoffman et al. system does not include any type of wireless portable monitoring device carried by a monitoring individual (one that is not located at the central station). There is an operator at the central station and an individual that is monitored. There is no third party that monitors the individual. As is clearly shown in Fig. 7, the dispatch center in the Hoffman et al. system includes a computer system 90, database, display console 92, modem 86 and telephone system 84. There is no disclosure or suggestion regarding a portable monitoring device or any device that communicates between the portable monitoring device, the client tracking unit, and the monitoring center. As for the Brown et al. patent, as was stated above, there is no wireless communication link that provides for communication between the concerned individual, the web host and the personal location unit carried by the individual.

Furthermore, the teachings of the Hoffman et al. and Brown et al. patents cannot be construed to embody the presently claimed novel aspects absent using hindsight reconstruction and extending the express teachings of the cited patents beyond their scope.

In summary, neither of the cited patents discloses or suggests the use of a client tracking unit carried by the client that has a GPS receiver that receives time-coded position data derived from satellites of the Global Positioning System that indicate the geolocation of the client tracking unit over time, and in particular, "a memory that stores time-coded position data to track the location of the client over time" as is recited in Claim 1, and certainly not without extending the teachings of the cited patents and using hindsight reconstruction.

Neither of the cited patents disclose or suggest a wireless portable monitoring device carried by a monitoring individual not located at the monitoring center and who is tasked with monitoring the client that comprises a wireless voice and data communication device, and a web browser that communicates with the database by way of the web server to selectively access data regarding the client to remotely monitor the client, as is recited in Claim 1. The cited patents do not disclose or suggest a wireless communication link for communicating between the portable monitoring device, the client tracking unit, and the monitoring center, as is recited in Claim 1.

In view of the above, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 1, and certainly not without the use of hindsight reconstruction. Withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested.

With regard to Claim 6, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that a receiver in the client tracking unit receives the predetermined data over first and second predetermined frequencies transmitted by the transmitter. It is respectfully submitted that the Examiner's unsupported assertion is not derived from the teachings of the cited references, and thus does not support the rejection of Claim 6. The only teaching regarding the use of an electronic monitoring system having a body-worn transmitter that communicates with a client tracking unit carried by the client using multiple frequencies is contained in the present application. It is respectfully submitted that the Examiner's conclusion is based upon hindsight reconstruction and not upon the teachings of the cited references. Withdrawal of the Examiner's rejection of Claim 6 is respectfully requested.

With regard to Claim 11, and contrary to the Examiner's unsupported assertion, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for a client tracking unit that comprises software that monitors and reports transmitter proximity, monitors and reports strap status, and monitors and reports transmitter battery status. There are no statements contained in the Hoffman et al. patent that address the use of any monitoring software used in the portable signaling unit 20. Withdrawal of the Examiner's rejection of Claim 11 is respectfully requested.

With regard to Claim 12, and contrary to the Examiner's assertion, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for a client tracking unit that includes a memory that stores restricted zone points, contact names and telephone numbers, and changeable transmitter identification data. The Hoffman et al. system does not address the use of restricted zone points, contact names or changeable transmitter identification data. Withdrawal of the Examiner's rejection of Claim 12 is respectfully requested.

With regard to Claims 13-15, and contrary to the Examiner's unsupported assertion, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for the use of GSM or SMS messaging in

their systems. The Hoffman et al. system transmits distress signals, and there is no need to communicate any SMS messages. Similarly, the Brown et al. system only transmits a datagram containing the geolocation data, and there is no need to communicate any SMS messages. Withdrawal of the Examiner's rejection of Claims 13-15 is respectfully requested.

With regard to Claim 16, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for any direct communication between the device carried by the monitored individual and a monitoring individual, and in particular, there is clearly no disclosure or suggestion regarding the use of a wireless portable monitoring device that alerts the monitoring individual in response to messages derived from the client tracking and monitoring units using a wireless communication link. There is no individual disclosed in the Hoffman et al. patent that corresponds to the monitoring individual of the present invention. The concerned individual disclosed in the Brown et al. patent communicates over the Internet with the web server, and there is no communication between the personal location unit carried by the monitored individual and the concerned individual. Withdrawal of the Examiner's rejection of Claim 16 is respectfully requested.

With regard to Claim 17, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding a wireless portable monitoring device that is operative to place calls to and receive calls from the monitoring center and to place calls to and receive calls from the client tracking unit. As was stated above, there is no direct communication between a monitoring individual that carries the wireless portable monitoring device and both the monitoring center and the client tracking unit. This should be clear from the above arguments. Withdrawal of the Examiner's rejection of Claim 17 is respectfully requested.

With regard to Claims 18 and 19, neither of the cited patents disclose or suggest that data is wirelessly delivered to a wireless portable monitoring device to display information regarding the client. As was argued above, the Hoffman et al. patent does not disclose or suggest a wireless portable monitoring device carried by a monitoring individual that is not located at the central station, or any type of wireless communication system between a central server and a wireless portable monitoring device. The Brown et al. system transmits a datagram containing a map to the concerned individual but does not disclose or suggest that any data is transmitted wirelessly, or that the concerned individual can use a wireless portable monitoring device. It is respectfully submitted that any such conclusions are based upon extending the express teachings of the cited references and using hindsight reconstruction. Withdrawal of the Examiner's rejection of Claims 18 and 19 is respectfully requested.

Dependent Claims 6 and 9-22 are also considered allowable based upon the allowability of Claim 1. Withdrawal of the Examiner's rejection and allowance of Claims 6 and 9-22 are respectfully requested.

With regard to Claim 23, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding a method of electronically monitoring a client that comprises "remotely accessing the central database to access and review the data and time-coded position information relating to the client to monitor the client."

In accordance with the teachings of the Hoffman et al. patent, access to the database is only available to the dispatch operators 82. There is no remote access capability to remotely access the database disclosed or suggested in the Hoffman et al. patent. Any conclusion to the contrary is necessarily based upon extending the express teachings of the Hoffman et al. patent and using hindsight reconstruction.

In accordance with the teachings of the Brown et al. patent, and as was argued above, the concerned user 17 only transmits a datagram requesting the location of the monitored individual. The concerned user 17 does not have access to or query the database located at the control station.

In view of the above, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 23. Withdrawal of the Examiner's rejection and allowance of Claim 23 are respectfully requested.

With regard to Claim 24, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding "remotely and wirelessly accessing the central database to access and review the data and time-coded position information relating to the client to monitor the client." In view of the above arguments, neither of the cited patents disclose or suggest remotely accessing the central database or wirelessly accessing the central database to review the data contained therein to monitor the monitored individual (client). Withdrawal of the Examiner's rejection of Claim 24 is respectfully requested.

Similarly, and in view of the above arguments, with regard to Claim 25, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding "initiating a web browsing session on a portable wireless monitoring device that interfaces to the central database by way of a web server to access and review the data and information relating to the client." The cited references do not teach the use of a portable wireless monitoring device to access the central database via a web browsing session to review information about the monitored individual (client). Withdrawal of the Examiner's rejection of Claim 25 is respectfully requested.

With regard to Claim 28, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that signals containing data regarding a body-worn transmitter worn by a client are transmitted from the transmitter to a wireless voice and data communication device carried by the client "at two different frequencies separated in time." The Examiner's unsupported assertion is not derived from the teachings of the cited references, and clearly does not support the rejection of Claim

28. The only teaching regarding the use of an electronic monitoring system having a body-worn transmitter that communicates with a client tracking unit carried by the client using multiple frequencies is contained in the present application. It is respectfully submitted that the Examiner's conclusion is based upon hindsight reconstruction and not upon the teachings of the cited references. Withdrawal of the Examiner's rejection of Claim 28 is respectfully requested.

Dependent Claims 24, 25 and 28 are also considered allowable based upon the allowability of Claim 23. Withdrawal of the Examiner's rejection and allowance of Claims 24, 25 and 28 are respectfully requested.

With regard to Claim 30, and in view of the arguments made above, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding a method of electronically monitoring a client that comprises "remotely accessing the central database to access and review the time-coded position data and the transmitter data relating to the client to monitor the client."

There is no remote access capability to remotely access the database disclosed or suggested in the Hoffman et al. patent. Any conclusion to the contrary is necessarily based upon extending the express teachings of the Hoffman et al. patent and using hindsight reconstruction. The Brown et al. patent teaches that the concerned user 17 only transmits a datagram requesting the location of the monitored individual. The concerned user 17 does not have access to or query the database located at the control station.

In view of the above, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 30. Withdrawal of the Examiner's rejection and allowance of Claim 30 are respectfully requested.

With regard to Claim 32, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for "remotely and wirelessly accessing the central database to access and review the time-coded position data and the transmitter data relating to the client to monitor the client." There is no capability to remotely access the database disclosed or suggested in either of the cited references. Withdrawal of the Examiner's rejection of Claim 32 is respectfully requested.

With regard to Claim 33, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding transferring data to the monitoring unit by "transferring substantially the same data at two different frequencies separated in time to the monitoring unit." The Examiner's unsupported assertion is not derived from the teachings of the cited references, and clearly does not support the rejection of Claim 33. The only teaching regarding a body-worn transmitter that communicates with a client tracking unit carried by the client using multiple frequencies is contained in the present application. It is respectfully submitted that the Examiner's conclusion is based upon hindsight reconstruction and not upon the teachings of the cited references. Withdrawal of the Examiner's rejection of Claim 33 is respectfully requested.

Dependent Claims 31-33 are considered allowable based upon the allowability of Claim 30. Withdrawal of the Examiner's rejection and allowance of Claims 31-33 are respectfully requested.

With regard to Claim 36, and in view of the arguments made above, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding an electronic monitoring system for monitoring a client, comprising "a wireless portable monitoring device that comprises a wireless voice and data communication device, for communicating with the client tracking unit by way of the wireless communication link to remotely monitor the client." Neither of the cited patents discloses or suggests the use of a wireless portable monitoring device to provide for remote monitoring of the client, or a portable monitoring device that that comprises a wireless voice and data communication device, or a wireless portable monitoring device that communicates with the client tracking unit by way of the wireless communication link to remotely monitor the client. These aspects of the present invention are only disclosed in the present application, and not in the cited references, and certainly not without extending the teachings of the cited references and using hindsight reconstruction.

Therefore, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 36. Withdrawal of the Examiner's rejection and allowance of Claim 36 are respectfully requested.

With regard to Claim 37, and in view of the arguments made above, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding an electronic monitoring system for monitoring a client, comprising "a wireless portable monitoring device for communicating with the monitoring center by way of the wireless communication link to remotely monitor the client." The arguments made above clearly support this position.

Therefore, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 37. Withdrawal of the Examiner's rejection and allowance of Claim 37 are respectfully requested.

Dependent Claim 38 is considered allowable based upon the allowability of Claim 37. Withdrawal of the Examiner's rejection and allowance of Claim 38 are respectfully requested.

With regard to Claim 39, and in view of the arguments made above, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding a method of electronically monitoring a client, comprising "providing a monitoring individual tasked with monitoring the client with a wireless portable voice and data communication device" and "communicating between the client tracking unit and wireless portable voice and data communication device to remotely monitor the client." It is respectfully submitted that the arguments made above support this position. Furthermore, neither the Hoffman et al. nor Brown et al. patents, taken singly or together, disclose or suggest wireless communication between a monitored individual and a monitoring individual involving

communication between the wireless portable voice and data communication device and the client tracking unit. Neither of the cited patents disclose or suggest direct communication between the monitoring individual and monitored individual using the respective devices that they carry.

Therefore, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 39.

Withdrawal of the Examiner's rejection and allowance of Claim 39 are respectfully requested.

With regard to Claim 40, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for "remotely accessing the central database from the wireless portable voice and data communication device to review the data relating to the client and thus monitor the client."

There is no capability to remotely access the database disclosed or suggested in either of the cited references. Withdrawal of the Examiner's rejection of Claim 40 is respectfully requested.

With regard to Claim 41, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for "wirelessly communicating between the wireless portable voice and data communication device and the database using a web browser and a web server." It is respectfully submitted that neither of the cited references discloses or suggests the use of a web browser disposed in a wireless portable voice and data communication device that is used to communicate with a central database. Withdrawal of the Examiner's rejection of Claim 41 is respectfully requested.

Dependent Claims 40 and 41 are considered allowable based upon the allowability of Claim 39. Withdrawal of the Examiner's rejection and allowance of Claims 40 and 41 are respectfully requested.

With regard to Claim 42, it has been amended to recite substantially the same limitations that are recited in Claim 1, and thus more clearly distinguish over the teachings of the Hoffman et al. or Brown et al. patents, taken singly or together. In view of the arguments made above with regard to Claim 1, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, regarding apparatus for monitoring a client, comprising "a client tracking unit carried by the client comprising a wireless voice and data communication device, and a receiver that receives the status data transmitted by the transmitter, a GPS (Global Positioning System) receiver that receives time-coded position data derived from satellites of the Global Positioning System that indicate the geolocation of the client tracking unit over time, and a memory that stores the time-coded position data" as is recited in Claim 42, and certainly not without using hindsight reconstruction.

There is no memory disclosed or suggested in the Hoffman et al. patent. The portable signaling unit 20 is designed to transmit a distress signal to the central dispatch station that identifies the current location of the individual that is monitored, so that emergency personnel can assist the individual who is in distress. There is no disclosure or suggestion in the Hoffman

et al. patent regarding storing location history data, and is there is no necessity to do so in the Hoffman et al. system.

This location information does not include any location history data, only the current location, and there is no need to store GPS data over time in the portable transceiver. This is because location history data, is irrelevant to the current location of the individual, which is the only information necessary to the central dispatch station or any emergency personnel summoned by the central dispatch station to find and assist the individual in distress.

It is essentially stated in the Hoffman et al. patent that the system is designed to "address the case of an individual who is helpless in an emergency situation where information is required so that the appropriate authorities can respond quickly and efficiently to a distress signal generated by the individual." (see column 3, lines 47-53). Thus, the current location of the individual is what is useful information in the Hoffman et al. system, not location history data. Consequently, it is respectfully submitted that adding a memory to the Hoffman et al. system that is designed to store time-coded position (GPS) data to track the individual would not be done absent hindsight reconstruction and extending the express teachings of the Hoffman et al. patent.

Therefore, it is respectfully submitted that the Hoffman et al. and Brown et al. patents, taken singly or together, do not disclose or suggest the invention recited in Claim 42. Withdrawal of the Examiner's rejection and allowance of Claim 42 are respectfully requested.

As for Claim 43, it has been amended in light of the amendment made to Claim 42. With regard to Claim 43, it is respectfully submitted that there is no disclosure or suggestion in the Hoffman et al. or Brown et al. patents, taken singly or together, that provides for a transmitter that transmits data to the client tracking unit using first and second predetermined frequencies. It is respectfully submitted that the Examiner's unsupported assertion regarding Claim 5 is not derived from the teachings of the cited references, and thus does not support the rejection of Claim 43. The only teaching regarding the use of an electronic monitoring system having a client tracking unit that receives multiple frequencies from a transmitter is contained in the present application. It is respectfully submitted that the Examiner's conclusion is based upon hindsight reconstruction and not upon the teachings of the cited references. Withdrawal of the Examiner's rejection of Claim 43 is respectfully requested. Dependent Claim 43 is also considered allowable based upon the allowability of Claim 42. Withdrawal of the Examiner's rejection and allowance of Claim 43 are respectfully requested.

Claims 26, 27, 29, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,239,700 issued to Hoffman et al. in view of US Patent No. 6,838,998 issued to Brown et al. and further in view of US Patent No. 6,774,799 issued to Defant et al. The Defant et al. patent is cited as disclosing a docking station. The Examiner rejected Claim 27 based upon Official Notice, that in the mobile communications art, use of mobile units that utilize VXML and SMS are well known.

Dependent Claim 26 is considered allowable based upon the allowability of Claim 23. Withdrawal of the Examiner's rejection and allowance of Claim 26 are respectfully requested.

The Examiner rejected Claim 27 in view of the fact that the docking station is disclosed in the Defant et al. patent based upon Official Notice that the of mobile units that utilize SMS is well known. It is respectfully submitted that the Hoffman et al., Brown et al. and Defant et al. patents, taken singly or together, do not disclose or suggest the use of SMS messages to transmit data between the client tracking unit and the monitoring center. The Hoffman et al. patent discloses at column 12, lines 51-53, for example, that "The portable signaling unit 20 replies with a CDPD transmission consisting of its unit identification number and the alarm code." It is respectfully submitted that the CDPD transmission uses cellular digital packet data, and does not in any way involve SMS messages. It is respectfully submitted that if SMS messaging were envisioned by Hoffman et al., they would have disclosed it in the patent. This is also true for the Brown et al. patent.

With regard to Claim 29, it is respectfully submitted that the Hoffman et al., Brown et al. or Defant et al. patents, taken singly or together, do not disclose or suggest the use of a portable wireless monitoring device that interfaces to the central database by way of web server along with a VXML interface to access and review the data and information relating to the client. As has been argued above, the cited references do not disclose or suggest any capability to remotely access a central database by a monitoring individual. Furthermore, it is clear that using a VXML interface to achieve this is not disclosed or suggested in any of the cited references.

It is respectfully submitted that the Examiner's rejection is based upon unsupported hindsight reconstruction and not upon the teachings of the cited references. The Examiner, in essence, is using piecemeal reconstruction to arrive at the present invention. The fact that VXML has been used in the past is not relevant to its unobvious use in the present invention. In view of the above, withdrawal of the Examiner's rejection and allowance of Claims 27 and 29 are respectfully requested.

With regard to Claims 34 and 35, the arguments made above with regard to Claim 29 support the allowability of these Claims.

Dependent Claims 26, 27, 29, 34 and 35 are considered allowable based upon the allowability of Claims 23 and 30. Withdrawal of the Examiner's rejection and allowance of Claims 26, 27, 29, 34 and 35 are respectfully requested.

Claims 2-5, 7 and 8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The finding of allowable subject matter in this application is appreciated. However, Claims 2-5, 7 and 8 have not been placed in independent form pending the Examiner's consideration of the above amendments to and arguments relating to the allowability of Claim 1.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and allowance thereof are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth W. Float", with a stylized flourish at the end.

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